

PLANNING COMMITTEE WEDNESDAY 22 JANUARY 2020

Table of Key Adoptions

No.	Item	Summary of Key Decisions
2.	Declarations of Interest	<i>Alderman Finlay and Councillor Dallat O'Driscoll</i>
3.	Minutes of meeting held Wednesday 18 December 2019	<i>Confirmed</i>
3.1	Correspondence	<i>Information</i>
4.	Order of Items and Confirmation of Registered Speakers	<p><i>LA01/2018/0134/F withdrawn from the Agenda</i></p> <p><i>LA01/2019/0381/O 80 metres North West of 83 Muldonagh Road, Claudy, deferred and site visit to be held</i></p> <p><i>Referral LA01/2018/1497/F 118 Drumcroon Road, Blackhill, Coleraine, deferred and site visit to be held</i></p> <p><i>Referral LA01/2019/0861/O Land immediately north east of 150 Torr Road, Cushendun, deferred and site visit to be held</i></p>
5.0	Schedule of Applications	
5.1	Major LA01/2019/0132/F Proposed 110/33kv substation approximately 230m North West of 10a Drumbane Road, Garvagh and two proposed	<i>Defer for further consultation</i>

	overhead line connections to the existing 110kv overhead line at Brockaghboy Wind Farm, South of Dowlins Bridge, Drumbane Road, Garvagh. All proposed infrastructure to be located within the townland of Brockaghboy	
5.2	Council LA01/2018/0298/F 4-10 Main Street, Portrush	<i>Approve with additional planting condition</i>
5.3	Council LA01/2019/0269/O 137 Kilraughts Road, Killyrammer, Ballymoney	<i>Grant</i>
5.4	Objection LA01/2018/0550/F Off Knocktarna Manor (20 metres South of no. 4 Knocktarna Manor), Coleraine	<i>Approve</i>
5.5	Objection LA01/2018/0960/F Lands at Kinora Terrace, adjacent and north west of no. 1-11 Kinora Terrace, Portstewart	<i>Approve</i>
5.6	Objection LA01/2019/0511/F 20 Circular Road, Coleraine	<i>Grant</i>
5.7	Referral LA01/2019/0755/O Between 42 & 56 Drumsurn Road Limavady	<i>Defer for one month for new information and site visit to be held</i>
5.8	Referral LA01/2017/1311/O 168 Agivey Road, Coleraine	<i>Refuse</i>
5.9	Referral LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey	<i>Refuse</i>
5.10	Referral LA01/2018/1415/O Site adjacent No. 26 Brisland Road,	<i>Refuse</i>
5.11	Referral LA01/2019/0150/O Between 105 & 107 Knocknacarry Road, Cushendun	<i>Approve</i>
6.	Development Management:	

6.1	Update on Development Management and Enforcement Statistics 01/04/19 – 30/11/19	Note
6.2	Planning Performance – Quarterly Report	Note <i>Head of Planning to include Budget Update in Planning papers going forward</i>
7.	Development Plan:	
7.1	LDP Update	Information
7.2	Development Plan Practice Note (DPPN) 10: Submitting Development Plan Documents for Independent Examination (Final Version	Note
8.	Legal Issues	None
9.	Any Other Relevant Business (In accordance with Standing Order 12 (o))	Head of Planning to include in review of Protocol for Operation of the Planning Committee Members Site Visit attendance; members leaving Chamber if speaking on application

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 22 JANUARY 2020 AT 10:00AM**

In the Chair: Councillor Hunter

Committee Members Present: Alderman Boyle, Duddy, Finlay, McKeown
Councillors Baird, Dallat O'Driscoll, MA McKillop,
McLaughlin, McMullan, P McShane, Nicholl and Scott

Non-Committee Members in attendance: Councillor Holmes (Item 5.1)

Officers Present: D Dickson, Head of Planning
S Mathers, Development Management & Enforcement Manager
S Mulhern, Development Plan Manager
J McMath, Senior Planning Officer
M Wilson, Senior Planning Officer
J Lundy, Senior Planning Officer
E Olphert, Planning Officer
D Hunter, Council Solicitor
S Duggan, Civic Support & Committee & Member Services Officer
D Allen, Committee & Member Services Officer

In Attendance: A Gillan, Department for Infrastructure, Roads (DfI)
Press (1no.)

Registered Speakers:

- LA01/2019/0132/F Alan Campbell, Kate Finnegan, SONI (support)
Alastair McKinley, RPS (support)
Councillor Richard Holmes (support)
Kieran Quigg (objector)
Helena Rafferty (objector)
- LA01/2018/0298/F Ciaran Lavery, Agent (support)
- LA01/2018/0960/F Tom Stokes, Planning Consultant (support)
Chris Bell, architect (support)
John Turkington, applicant (support)
- LA01/2019/0511/F Samuel McNeill, applicant (support)
- LA01/2017/1586/F David Donaldson, Agent (support)
Fergus Duncan, Applicant (support)
Donald Parker (objector)
David Lynn (objector)

- LA01/2018/1415/O Lee Kennedy, Agent (support)
- LA01/2019/0150/O Seamus Bailey, Agent (support)
- LA01/2019/0755/O Carol McIlvar (support)
- LA01/2019/0861/O Theresa Cassidy, Agent (Support)

CHAIR REMARKS

The Chair congratulated Councillor McGurk on the birth of her baby daughter and sent best wishes.

1. APOLOGIES

Apologies were recorded for Alderman McKillop; Councillors Anderson and McGurk.

2. DECLARATIONS OF INTEREST

The Chair reminded the Planning Committee of their obligations under the Code of Conduct.

“I would remind Members of your obligation under the Northern Ireland Local Government Code of Conduct for Councillors in relation to Planning matters.

Under Part 9 of the Code I would remind you of your obligation with regard to the disclosure of interests, lobbying and decision-making, which are of particular relevance to your role as a Member of this Planning Committee.

You should also bear in mind that other rules such as those relating to the improper use of your position, compromising impartiality or your behaviour towards other people, also apply to your conduct in relation to your role in planning matters.

If you declare an interest on a planning application you must leave the Chamber for the duration of the discussion and decision-making on that application”.

Alderman Finlay queried, having registered to speak on an application and therefore declaring an interest, why a Committee Member would have to leave the Chamber. Alderman Finlay considered, on representing an individual at a Planning Committee Meeting, a

Committee Member may be at a disadvantage, having not been in the Chamber to hear other speakers in relation to the application.

The Chair advised Alderman Finlay that it was within the Protocol for the meeting and was therefore a requirement to leave.

Councillor Baird agreed with the sentiments of Alderman Finlay.

The Chair advised the matter could be looked at under Any Other Relevant Business, on the Agenda.

Declarations of Interest were recorded for Councillor Dallat O'Driscoll in LA01/2019/0132/F, proposed substation 110/33kv approximately 230m North West of 10a Drumbane Road, Garvagh. Councillor Dallat O'Driscoll left the meeting during consideration of the Item.

Alderman Finlay declared an interest during consideration of Item 3, Minutes of the Meeting held Wednesday 18 December 2019, Matters Arising, Correspondence, Alderman Finlay left the meeting during consideration of the Item.

3. MINUTES OF MEETING HELD WEDNESDAY 18 DECEMBER 2019

Matters Arising

3.1 Correspondence

The Chair advised of an additional matter, not on the Agenda, that required the Committee to move, '*In Committee*' to receive legal advice.

Proposed by Councillor Baird
Seconded by Councillor McLaughlin and

AGREED – that the Committee move, '*In Committee*'.

*** Press, Public, A Gillan (DfI) and Councillor Holmes, left the meeting at 10.05am.**

The Chair advised correspondence had been received from a member of the public in relation to the accuracy of the Minutes of the Meeting held Wednesday 18 December 2019.

The Chair read the correspondence to the Committee (circulated).

The Chair made the Committee aware of a separate issue of a misprint in the Unconfirmed Minutes (circulated), which she had arranged to be rectified.

Alderman Finlay advised he considered the matter under consideration was with reference to the accuracy of the Minutes and not a Planning Application, however, he declared an interest and left the meeting.

* **Alderman Finlay left the meeting at 10.12am.**

Council's Solicitor advised the matter of the accuracy of the minutes was for Members present to decide. He stated Council's Standing Orders set out that the Minutes provided a summary of the meeting.

Following a question posed to the Head of Planning, the Chair advised the Head of Planning would not be invited to participate in the current matter.

Members present at the Planning Committee Meeting under consideration, stated their recollection of the meeting.

Council's Solicitor provided advice.

A short discussion was held on the recollection of one person or another, when the passage of time had lapsed.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Councillor Scott and

AGREED – that Committee move '*In Public*'.

* **Press, Public, A Gillan (DfI), Alderman Finlay and Councillor Holmes, re-joined the meeting at 10.40am.**

3.2 CONFIRMATION OF THE MINUTES

Proposed by Councillor Scott
Seconded by Councillor Dallat O'Driscoll

- that the Minutes of the Meeting held Wednesday 18 December 2019 be confirmed as a correct record.

The Chair put the proposal to the Committee to vote.
8 Members voted For; 0 Members voted Against; 3 Members Abstained.

The Chair declared the motion **CARRIED**.

4. **ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Chair advised the following applications had been withdrawn from the Schedule:

- LA01/2018/0134/F Lands 6 metres South of 43 Ballyclough Road, Bushmills, pending consideration of further information.

The Chair advised LA01/2019/0132/F, proposed substation 110/33kv approximately 230m North West of 10a Drumbane Road, Garvagh, would be considered first on the Agenda, as it was a major application.

Prior to presenting the reports, site visits were requested for the following applications:

Proposed by Alderman Finlay
Seconded by Councillor Scott and

AGREED - that a site visit is held on Application LA01/2018/1497/F, 118 Drumcrown Road, Blackhill, Coleraine, to look at the DfI Roads Service concerns.

Proposed by Councillor MA McKillop
Seconded by Councillor Baird and

AGREED – that a site visit be held on Application LA01/2019/0861/O, Land immediately North East of 150 Torr Road, Cushendun, due to refusal reason 2, to look at the gap site proposal, within a '*continuously built up frontage*'.

Proposed by Councillor Nicholl
Seconded by Councillor McMullan and

AGREED – that a site visit is held on Application LA01/2019/0381/O 80 metres North West of 83 Muldonagh Road, Claudy, to see the context of the site and character of area.

5.1 Major LA01/2019/0132/F Proposed 110/33kv substation approximately 230m North West of 10a Drumbane Road, Garvagh and two proposed overhead line connections to the existing 110kv overhead line at Brockaghboy Wind Farm, South of Dowlins Bridge, Drumbane Road, Garvagh. All proposed infrastructure to be located within the townland of Brockaghboy (*Agenda item 5.15*)

*** Councillor Dallat O’Driscoll left the meeting.**

Report, Addendum, Addendum 2 and Site Visit report previously circulated and presented by the Development Management and Enforcement Manager, S Mathers via PowerPoint presentation.

Prior to presenting, the Development Management and Enforcement Manager provided a response to two questions asked at the site visit, having been asked previously, ‘Did the property at No. 12 object to the application?’, the Development Management and Enforcement Manager stated the answer was, ‘Yes’ and, ‘Did any section of the overhead line have bird flight diverters?’, he advised the answer was, ‘Yes’, to this also.

The Development Management and Enforcement Manager presented via Powerpoint.

The proposal involves two main elements - the cluster substation and parallel overhead lines, mainly on wood poles rather than pylons. This will enable connection of the existing Brockaghboy Wind Farm and onward connection using the existing line to Rasharkin Substation. The proposal shall allow for connection of the consented Evishagaran, Craiggore and Smulgedon Wind Farms.

This is a Major application which was subject to a PAN with a Pre Application Community Consultation Report submitted with application.

Prior to submission of the planning application, the proposal was subject to a pre-application Environmental Impact Assessment determination. It was decided that the proposal was not EIA development and therefore an Environmental Statement was not required.

In terms of the Northern Area Plan 2016, the site is located in the open countryside, outside any designated settlement. The site is partially inside and partially outside the Sperrins AONB.

Main Issues

Principle of Development - Policy CTY 1 of PPS 21 Sustainable Development in the Countryside makes provision for utilities projects in the countryside. Policy PSU 2 of the Planning Strategy for Rural Northern Ireland refers to major projects. The proposal has been assessed against this policy and has been found to contribute to regional needs and acceptable in terms of its environmental effects. The availability of alternative sites has been considered.

Policy PSU 8 of the Planning Strategy for Rural Northern Ireland refers to new infrastructure. Applying this policy, the proposal was assessed with regard to a range of issues including the need for the facility, the impact on the environment, alternatives and provision to mitigate adverse effects.

Policy PSU 11 of the Planning Strategy for Rural Northern Ireland refers to overhead cables. The requirements of this policy were considered in assessment of the proposal.

Amenity - In terms of health, the impact of electromagnetic fields has been considered. As the proposal complies with the International Commission on Non-Ionizing Radiation Protection (ICNIRP), it meets policy requirements and satisfies consultees. In particular, the response from the Public Health Agency is clear on this matter. Objections referring to these issues were sent to consultees as part of the consultation exercise. There will be some impact from the development during the construction phase in terms of mainly noise. However, this shall be for a limited time period and this shall be regulated by condition including hours of the day when construction can take place.

The nearest occupied dwelling to the proposed substation is approximately 230m to the southeast (no 10A Drumbane Road). Its outlook and that from other dwellings is not considered to be unacceptable given the screening afforded by existing and proposed landscaping. The distance from the proposed substation to the nearest unoccupied dwelling at No. 6 Drumbane Road is 70 metres.

Biodiversity & Nature Conservation - While the site is not within an international or national nature conservation designation, it is hydrologically linked. This has been assessed and has been found acceptable. In terms of protected species, the proposal has been assessed with specific regard to bats, curlews and badgers. Again, it has been found acceptable. A section of the overhead lines are to have

bird flight diverters for curlews. The proposal has been considered having regard to the AONB and is acceptable. In the area of the proposed substation, a section of an existing watercourse is to be realigned and culverted. This is acceptable to consultees.

Built Heritage - The application site is located adjacent to a scheduled rath. DfC Historic Environment Division has been consulted and is content that there will be no adverse impact on the rath or any other archaeological sites in the vicinity of the proposal.

Visual Amenity & Landscape Character - The only critical view of the substation will be from Drumbane Road along the site frontage due to the absence of a hedge and limited planting. This critical view extends to approximately 200m along the site frontage. This is not considered unacceptable. The substation compound shall largely be screened from other public viewpoints. The proposal is accompanied by a substantial landscaping scheme. The route for the overhead lines was in part selected from the outworking of public consultation on the project. The overhead lines are not considered to be so prominent in the landscape to have a significant impact on the visual amenity of the AONB. Many of the critical views of the overhead lines are already dominated by the windfarm development which features more prominent moving elements.

Objection & Support Representations- The consideration of these is set out in the report.

Conclusion - the proposed development is considered acceptable at this location. Therefore approval is recommended.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

Addendum Recommendation - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 10.1 of the Planning Committee Report.

Addendum 2 Recommendation- that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 10.1 of the Planning Committee Report.

In response to a Member's query, the Development Management and Enforcement Manager clarified the distance from No. 10 to the substation site was 230m away.

The Chair invited H Rafferty and K Quigg to speak in objection to the application.

H Rafferty advised she lived at 10a Drumbane Road, the local community were opposed to the location of the proposed substation, letters of support submitted had been from those with a vested interest and from outside the AONB. H Rafferty advised the area was an AONB of high scenic value, a popular route for walkers and cyclists, and whilst also frustrated by the current Wind Farm, she stated the obvious location for the substation to fit in with the current landscape and infrastructure was at the existing Wind Farm. She advised the Wind Farm turbines and proposed substation were situated on a height, her property would be looking directly at the substation, this would reduce the value of her property and she also stated concerns regarding a health risk to her family.

K Quigg advised he lived at no. 3 Drumbane Road, he referred to the slides previously presented, of a substantial proposal, its proposed landscaping, 2 rows of trees that did not integrate. K Quigg stated that, as required by SPPS paragraphs 6.7, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. K Quigg referred to the choice of sites during the consultation exercise, he advised the substation would also serve Drumsurn, however, the consultation exercise only considered Glenullin. K Quigg referred to Planning Committee Report, paragraphs 8.97 and 8.98, connecting the Wind Farm was not dependant on approval, there was no social economic benefit for the local community of Glenullin as required in the SPPS, additionally, there was no case of need as was eluded to.

Following questions from the Committee, H Rafferty advised during the initial consultation there had been 3 locations in Glenullin identified, she had not been informed of that on her door step and felt patronised. K Quigg advised the 3 sites identified had instilled fear and division in the community and that had kept objections down. The consultation events had been held in Garvagh and Glenullin, with sites dotted around the boundary of Glenullin. K Quigg stated the Chair of SONI would not meet with them regarding their concerns as was SONI's Policy and was advised to address concerns via the Planning process, they could also not access Planning Officers. K Quigg stated the illustration did not

actually show the look on the ground and was skewed. He advised the area grew thistle and hedges, the trees illustrated did not tie in with the area.

The Chair invited A Campbell, K Finnegan, SONI and A McKinley, RPS to speak in support of the application.

Councillor Baird queried whether the order had been correct, having an objector speaking prior to those in support, the Chair advised the order was correct.

A Campbell outlined the context of SONI, to plan and operate electricity transmission systems, transmission to the grid to connect large scale energy requirements as requested by NIE Networks. He advised there were 3 Wind Farms, which had full Planning Permission that were now required to connect to the Grid. A Campbell stated SONI had met with representatives from Planning, no statutory agency stated environmental concerns, SONI had held 7 consultation events in Garvagh and Glenullin over a 15 month period.

A Campbell described the site context, additional environmental plan that would ensure the application was screened. The Brockaghboy/Rasharkin overhead line, infrastructure was away from the Glenullin Village, was proposed outside the AONB and was acceptable under point 6 of the Planning Committee report.

A Campbell advised Environmental Consultants had been engaged, a detailed environmental report submitted, the project had not resulted in unacceptable environmental impact, complied with planning policy and local guidance. Regarding potential health impacts, he stated SONI operate within guidelines and PHA had no objections.

A Campbell concluded the application would serve many businesses in the area and reduce Co2 emissions.

In response to clarification from a Committee Member, A Campbell advised of 3 rounds of consultation events in Garvagh and Glenullin, a broad area of study initially looked at Temple Road North and Drumbane Road, was narrowed to 3 sites based on environmental constraints and feedback from the public. A Campbell confirmed the nearest domestic dwelling was 230m away. The resale value initially would be lower but as the development would continue he stated studies have shown no detriment to property value. A Campbell advised regarding any potential health impacts, this was operated to very strict guidelines. An

independent study detailed the boundary of the substation to emit 6 microtesla which was very low compared to European guidelines which stated maximum of 100 microteslas. He stated that the reading for this is 0.03microtesla and at 100 metres from the line was almost non-existent, and would not be affected by weather. A Campbell added noise had additionally been assessed which was well within the guidelines.

In response to a request for clarification A McKinley added there was a mix of trees proposed, native species, at a height of 4.5m, a landscaping plan to include hedgerows of 1metre and planning condition obligation to replace planting, if died off. A Campbell advised there was no requirement for a radon gas assessment, Public Health Agency and Environmental Health had not raised the issue and EIA determination made.

The Chair invited the Planning Committee to view the landscape management plan. The Development Management and Enforcement Manager moved to present hard copy plans.

- * **Alderman Duddy and McKeown; Councillors Hunter, Baird, P McShane, Nicholl and Scott moved to view plans from 11.30am-11.32am.**

K Finnegan stated 7 community consultation events had been held, an offer had been made to meet the residents of no. 10 Drumbane Road, she had engaged with local representatives to organise meetings and rejected the earlier comments made. A McKinley added Environmental staff had been in attendance at the consultation events, to include Consultants on electromagnetic fields. A Kinnegan offered the Consultants to speak to the residents.

A Campbell advised that SONI had looked at the best technical solution to determine the location of the new substation, taking account of environmental constraints and presented these issues at the first round of consultation. Feedback was taken on board and they proceeded to look in greater detail the constraints of each location. He stated that there was no site that didn't have a house in proximity to the proposed development. He advised that studies have shown that the levels o0.03MT is well within the 100Mt limit. No request had been received for radon gas survey.

The Development Management and Enforcement Manager clarified the question surrounding the nearest dwelling, advising the nearest unoccupied dwelling was at No. 6 Drumbane Road, 70m, located off the

map. He referred to the addendum circulated, planning permission for a replacement dwelling at No. 6 Drumbane Road had been granted on 6 September last year and illustrated the location on the map.

The Development Management and Enforcement Manager read a letter of support of the application from Maurice Bradley, MLA, in lieu of speaking.

The Chair invited Councillor Holmes to speak in support of the application.

Councillor Holmes stated his support for the substation which was close to where he lives. He stated it was a critical piece of infrastructure, whilst understanding Wind Farms were not popular. Councillor Holmes advised the consultation exercise was extensive, 7 events held over 15 months and numerous meetings with SONI. Councillor Holmes drew attention to the following paragraphs within the Planning Committee report, 8.17, 8.18, 8.20, 8.23, 8.35, 8.50, 5.84, 8.55 and 8.59, citing from within the paragraphs. Councillor Holmes referred to a Policy argument, of climate change, economic factors, contributing to Rates, Planning Policy, environmental impact, that wind was the greenest form of energy. Councillor Holmes stated there would never be a perfect site, underground cables would help the visual impact, however, the environmental impact could not be underestimated with the green energy.

In response to clarification from a Planning Committee Member, surrounding the fact the Glenullin community would not benefit financially, Councillor Holmes stated SONI did not follow the same community financial contributions policy as the infrastructure fell outside the Wind Farm.

In response to a request for clarification, the Development Management and Enforcement Manager advised 6.70 of the SPPS did apply, whilst being mindful of the nature of the development. He further clarified the visual impact from no. 6 Drumbane Road, referring to a slide, that views would be limited due to the conifer belt and filtered, studies included noise and it was deemed acceptable. The Development Management and Enforcement Manager advised electro-magnetic fields were considered by PHA as the relevant consultant body and the land use around the site would have been considered in this assessment; PHA are content. He cited from PHA correspondence, from Dr Gerry Waldron in relation to no.10 Drumbane Road. The Development Management

and Enforcement Manager clarified, Environmental Health was the consultee on the issue of radon gas, if any, and was silent on the matter.

In relation to a comment on integration in the countryside, the Chair referred to paragraph 8.60 of the Planning Committee Report where she advised the issue had been mentioned. The Chair further clarified in relation to paragraph 8.71 of the Planning Committee Report, was a civil matter.

The Chair restated the recommendation.

It was proposed by Councillor P McShane to **disagree** with the recommendation and refuse permission. Councillor P McShane stated planning reasons surrounding visual impact in the AONB, the apparatus to be constructed is substantial and would cause overshadowing. He considered the overhead lines should be buried and was aware of the peat bogs to which he considered the lines should go around. Councillor P McShane cited concerns regarding the quality of the community consultation, he objected to the community being told to address their concerns to Planning rather than through the consultants.

The Chair observed there was no seconder for Councillor P McShane's proposal.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that the Committee defer consideration until a report from the Public Health Agency regarding No. 6 Drumbane Road is submitted.

Alderman Duddy stated he was mindful of the visual impact assessment under policy CTY13. He stated that the Public Health Agency submission had not taken into account No. 6 Drumbane Road; it had taken into account No. 10 Drumbane Road which was 250m away. Alderman Duddy stated the Development Management and Enforcement Manager had advised the Committee must take into consideration the proximity of No. 6, it was therefore required to be presented in a report from PHA.

Alderman Duddy further stated a consultation was required to consider the Radon Gas concern, to present all information to facilitate a decision.

The Chair put the proposal to the Committee to vote. 10 Members voted For; 0 Members voted Against; 2 Members Abstained.

The Chair declared the motion **CARRIED**.

The Chair declared a recess at **12.22pm**.

- * **S Duggan, Civic Support & Committee & Member Services Officer left the meeting.**

The meeting reconvened at 1.00pm.

- * **D Allen, Committee & Member Services Officer arrived at the meeting at 1.00pm.**

5.2 Council LA01/2018/0298/F 4-10 Main Street, Portrush (Agenda Item 5.1)

Planning Committee Report, Addendum and Erratum were previously circulated and presented by the Senior Planning Officer, J Lundy, via PowerPoint.

The Chair advised Members of a typing error within the recommendation in the Addendum; this should state '*recommendation to **APPROVE***'.

The Senior Planning Officer described the site and its context for full planning for the demolition of 2 no. restaurants, ice-cream parlour and opticians. Erection of new restaurant and 4 no. apartments with associated site works.

She informed Members that an Addendum was issued in relation to amended plans received removing the shared amenity space to the basement area of the block plan. The Erratum was in relation to the revised conditions.

The application is located in the town centre as designated in the NAP 2016. The site comprises one gable fronted building and a three bay flat roof building.

The buildings front onto Main Street and back on to the public open space leading to the Arcadia Building and the East Strand.

The application has been brought to the Planning Committee due to the development requiring the use of the Council land to enable development, shown in green on the map.

The Senior Planning Officer advised that 1 letter of support has been received to the scheme.

The principle of development is acceptable in this town centre location. The proposal has been fully assessed as set out in section 8 of the Planning Committee Report.

In terms of the restaurant, a noise and odour assessment was submitted and found to be acceptable by Environmental Health.

The proposed residential use has been assessed under PPS 7 and Creating Places and is found to be acceptable as set out in paragraph 8.14 to 8.35 of the Planning Committee Report.

In conclusion, the proposed development will be a mixed use development within the town centre of Portrush. A development of this nature is appropriate within a town centre location. The scale, design and materials of the scheme complement the surrounding land uses and the development is far enough removed to not impact residential amenity.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

Addendum Recommendation - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Senior Planning Officer showed Members drawings on the colour/finish of the proposed apartments.

In response to Members' queries in relation to the proposed 2m high wall proposed at the rear which will screen the proposed bin area and amenity area, the Head of Planning clarified that the correct Certificate of Ownership has been completed and served on those parties with an interest in the land. The ownership and sale/easement of the land is a matter for the Land and Property Sub-Committee and full Council.

The Senior Planning Officer stated that the plans submitted by the applicant showed that the height of the proposed building was only slightly higher than that already in existence.

The Chair invited C Lavery, Agent to address the Committee in support of the application.

He made the following points:

- The current building on the proposed site is prominent, with a heavily rusted steel frame, leaking roof and the main structure is currently unsound.
- The proposed new building incorporates 4 apartments; 1 to be located in the basement and 3 to be located above the proposed restaurant.
- The original shape of the proposed building has been respected with inclusion of a large glass section.
- The proposed 2m wall will screen the electrical substation which is located at the rear of the site.
- The proposal is a major planning gain and would provide local employment.

In response to questions raised by Members, C Lavery clarified the following points:

- The proposed wall would be 2m in height and comprise of black stone. Space will be provided to allow for the public to walk and the planting of shrubbery.
- The proposed 2m wall will also screen the electricity substation which is located at the rear of the site.
- Trees would need to be removed.
- A wall would be more substantial than just the planting of shrubbery as a proposed gas tank for the restaurant would need to be screened and must meet the Calor Gas Regulations. The wall would also screen the electricity sub-station.
- Shrubby would consist of low level trees to reach the height of the proposed 2m wall.
- There would be two access points one at the back through the fire exit and a basement exit through a gate.
- Fire exit to comply with current fire regulations.

In response to a Member's query the Senior Planning Officer clarified that there would be two balconies one for the restaurant, one for the second floor apartment and a roof terrace. There were no concerns with overlooking and the scheme complies with current policies.

Proposed by Alderman Finlay
Seconded by Councillor Nicholl

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

- that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

- that an extra condition be introduced that a more substantial planting design be undertaken to hide the proposed 2m high wall.

The Chair put the proposal to the Committee to vote. Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

5.3 Council LA01/2019/0269/O 137 Kilraughts Road, Killyrammer, Ballymoney (Agenda Item 5.2)

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, J Lundy, via PowerPoint.

*** Alderman Duddy left the meeting at 1.32pm.**

The Senior Planning Officer described the site and its context for outline planning and full planning for alterations to an existing school/community facility for a change of use to domestic dwelling. Two new two storey detached dwellings to rear of site, including all site works etc.

The application site is located at 137 Kilraughts Road, Killyrammer. The application site is comprised of a former school building and lands within the curtilage of the school site. The existing building is currently used as a community centre.

The application site is located within the rural area, outside of any settlement development limit as defined in the Northern Area Plan 2016, to the east of Dunaghy.

The Senior Planning Officer showed Members slides indicating the red line of the application site including the school house and the blue lands to the south for a play park. Housing is located along the eastern boundaries.

The application is a split application dealing with full permission and outline permission. Outline Planning Permission is sought for two new two storey detached dwellings to rear of site, including all site works etc. Full Planning Permission is sought for alterations to existing school/community facility for a change of use to domestic dwelling.

The Senior Planning Officer referred Members to paragraph 6.73 of the SPPS which states that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building as a single dwelling house where this would secure its upkeep and retention. The building would meet the SPPS policy test of being a locally important building.

* **Alderman Finlay left the meeting at 1.35pm.**

External alterations include the removal of the existing entrance on the north elevation and the creation of a new entrance on the western elevation with alterations to the roof and the provision of new windows. It is proposed to demolish the western section of the building to facilitate the change of use.

The dwellings to the rear are considered under Policy CTY 2a. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development. The proposal is associated with the existing schoolhouse building which is the focal point for the cluster.

The site is enclosed along the southern and western boundaries by vegetation and to the east by dwelling houses at Hillcrest Gardens and to the north by a schoolhouse.

The cluster appears as a visual entity in the local landscape and is visible from Kilraughts Road and Hillcrest Gardens. The proposed dwellings are located to the rear of the existing schoolhouse and reads with it and the dwellings along the eastern boundary of the site on Hillcrest Gardens. The siting at this location will not significantly alter the existing character of the cluster, or visually intrude into the open countryside.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10.

The Senior Planning Officer confirmed that neighbour notification had been carried out in accordance with the statutory requirements.

Proposed by Councillor Baird
Seconded by Councillor P McShane

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the Committee to vote. Committee voted unanimously in favour.

The Chair declared the motion to **GRANT** carried.

* **Alderman Duddy re-joined the meeting at 1.40pm.**

5.4 Objection LA01/2018/0550/F Off Knocktarna Manor (20 metres South of No. 4 Knocktarna Manor), Coleraine (Agenda Item 5.4)

Planning Committee Report and Addendum were previously circulated and presented by the Senior Planning Officer, J Lundy, via PowerPoint.

The Senior Planning Officer described the site and its context for full planning for proposed 6 no. dwellings, new access to site no. 1 and shared driveway to serve site nos. 2, 3, 4, 5 and 6.

She informed Members that an Addendum had been circulated in relation to correspondence received from an objector who had raised various matters and that there would be a further verbal Addendum on further objections in relation to points raised in relation to the Planning Committee Report, in that it did not address concerns on road safety, in that there is no consultation response from DFI Roads.

The verbal addendum covered the following points:

- The previous appeal was based on an additional 2 dwellings; this application covers 6 dwellings.
- Concerns in relation to the use of heavy maintenance vehicles. Grave concerns were raised in relation to the dangers for road users and members of the public using the substandard access to Mountsandel Road.
- Concerns in relation to turning left into Knocktarna Manor because of high speed traffic.
- Vehicles would be forced to reverse out of Knocktarna Manor.
- Impact of intensification of use.
- Application showing 18 car parking spaces and access to additional lands not in keeping with the PAC approval.
- Dispute on the intensification and previous histories on the site and the inadequate access at Mountsandel Road.
- No risk assessment carried out.
- PAC decision was a conditional approval.
- DFI Roads previously objected in the history applications.
- No risk assessment was carried out.
- Query Application LA01/2018/1522/F which is still under consideration and should have been brought to the Committee.

The application site is located on the edge of the settlement limits of Coleraine as defined in NAP 2016 and is located within a residential cul-de-sac off the Mountsandel Rd. The site is bound on its northern and western boundaries by residential development.

The site is bound on the eastern boundary by mature woodland and slopes steeply to the south down towards the River Bann. The site contains an electricity pylon and a water pumping station is located to the west of the site, accessed off a footpath.

The site has extensive history with two PAC decisions allowing development for 4 dwellings. This proposal is for a further two.

The objection points have been set out in the Planning Committee Report, the Addendum and the points already raised.

In relation to the road issues the PAC in their consideration of Policy AMP 2 and PPS 3 'Access to Public Roads' relates to development

proposals involving either direct access to a road or the intensification of use of an existing access to a public road. The appeal considered a direct access onto Knocktarna Manor. The two separate Commissioners advised that this policy was relevant to the access onto Knocktarna Manor only. However, the Commissioners in the two appeals considered the concerns in relation to the proposal's impact on road safety at the junction with Mountsandel Road.

In summary the Commission stated:

- The roads do not meet today's standards. However, they are adopted roads and there have been no records of any accidents.
- In the last application the Commissioner stated that the principle of 8 dwellings had been established and an additional 2 dwellings would not result in a significant increase in traffic. The Commissioners on two occasions fully satisfied themselves in relation to road safety.
- Taking into account the speed on the Mountsandel Road, the dip and alignment they were satisfied that the proposal would not have an unacceptable impact on overall road safety.
- In relation to the Knocktarna Manor the road layout was approved under previous Guidance which has now been superseded.
- The existing carriageway width of 4.5m with two 1.8m footpaths was a standard for up to 20 units under the 'New Streets' document. The Commission found the carriageway to be sufficient width to accommodate two cars passing each other and as such would not prejudice road safety or significantly inconvenience the flow of traffic.
- Provision of large curtilages to the existing dwellings provided ample car parking therefore PAC decisions found the width of Knocktarna Manor to be acceptable and raised no concerns on road safety at the junction with Mountsandel Road.

DFI Roads also had no objections to the proposal in their latest response date 20 January 2020 and therefore the proposal has been considered acceptable in terms of Policy QD 1 of PPS 7.

The Senior Planning Officer advised Members that DFI Roads were in attendance to answer any further questions.

The Senior Planning Officer also clarified that the other application the objector had raised concerns about, as listed under Section 3 of the Planning Committee Report, was still under consideration and is awaiting

further information from the Agent and therefore was not ready to be brought to the Committee.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, the planning history of the site and other material considerations. The proposal relates to six dwellings within an existing residential area inside the settlement limit of Coleraine. The proposal layout and design is not considered to detract from the visual amenity and residential amenity currently enjoyed by neighbouring properties. The access has been accepted by DfI Roads which is the competent authority on this matter. Approval is recommended.

Recommendation - that Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** full planning permission subject to the condition set out in section 10.

Addendum Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report with the addition of the DfI Roads condition.

The Chair invited A Roarty, Agent and B Carey to address the Committee in support of the application.

A Roarty stated that DFI Roads had considered the issues raised in relation to the width of the road at Knocktarna Manor and this was deemed to be sufficient to accommodate two cars passing each other safely. The Client has no objections to the Planning conditions as listed in Section 10 of the Planning Committee Report and that the application had not been recommended for refusal.

B Carey stated that previous approval had been granted for 8 dwellings; this application had been reduced to 6 dwellings. The proposal would provide jobs for local people and provide good quality housing. The neighbouring land was owned by the applicant and was outside the development limits so did not qualify for residential development. The proposal met the requirements for approval.

In response to a Member's question in relation to how the PAC decision affected access to this site and what had changed A Gillan, Department for Infrastructure, Roads (DfI) stated that the PAC had considered the

junction onto the main road from Knocktarna at the end of the cul-de-sac. The objectors were concerned with the visibility splays.

Proposed by Councillor Nicholl
Seconded by Councillor Baird

- that Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** full planning permission subject to the condition set out in section 10.

- that the Committee note the contents of the Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report with the addition of the DfI Roads condition.

The Chair put the proposal to the Committee to vote. Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

5.5 Objection LA01/2018/0960/F Lands at Kinora Terrace, Adjacent and North West of No. 1-11 Kinora Terrace, Portstewart (Agenda Item 5.5)

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, M Wilson, via PowerPoint.

The Senior Planning Officer described the site and its context for full planning for 15 no. apartments including access, parking, cycle bays, landscaping, provision of public footpath and all other associated site and access works.

This proposal has been revised down from 18 no. apartments delivering more appropriate open space standards, and increasing the separation distance between the existing development on Kinora Terrace and the proposal.

The site is located within Portstewart development limit, and lies within Portstewart Point Local Landscape Policy Area. Of particular importance and pursuant to section 6(4) of the Planning Act (Northern Ireland) 2011 which states that in making any determination where regard is to be had to the local development plan, the determination must be made in

accordance with the plan unless material considerations indicate otherwise, this site has been zoned for housing under NAP 2016. The proposal meets all 3 of the Key Site Requirements of the housing zoning (PTH 37) and is in accordance with this part of the NAP 2016.

The proposal will not adversely affect the environmental quality, integrity or character of the designated Portstewart Point LLPA, and in turn complies with Policy ENV1. It has been assessed against Policies QD 1 and LC1 of PPS 7 and its addendum.

The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.

The adjacent development has a ridge height of 13 metres and the proposal has been reduced from a maximum ridge height of 13 metres to just over 11 metres.

The design and layout of the apartments does not adversely harm neighbouring residential amenity.

The proposal is acceptable in terms of drainage and flood risk perspective and Rivers Agency has been consulted as the competent authority on drainage and flooding matters and it raises no objection.

A Preliminary Risk Assessment (PRA) has been submitted in support of this application and there is no unacceptable risk to the water environment as the application site is considered low risk with the relevant consultees raising no objection.

The proposal is satisfactory in terms of natural heritage and Natural Environment Division raises no objection.

The access and parking are considered acceptable and DfI Roads has been consulted as the competent authority on road and traffic matters and it raises no objection to the proposal.

30 letters of objection and a petition with 66 signatures objecting to this development have been received. The issues raised are identified and considered within the Planning Committee Report. No consultee has raised any concerns with this development.

The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is on zoned housing land so the principle of residential development is an acceptable use for this site. This development proposal will not adversely affect the environmental quality, integrity or character of the designated Portstewart Point LLPA. The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas. The proposal meets the density requirement for the size of the site. Private amenity areas for the apartments are adequate in size. The design and layout does not adversely harm neighbouring residential amenity. The proposal is acceptable in terms of drainage and flood risk perspective. There is no unacceptable risk to the water environment as the application site is considered low risk. The proposal is satisfactory in terms of natural heritage and access and parking.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair invited T Stokes, Planning Consultant, C Bell Architect and J Turkington Applicant to address the Committee in support of the application.

T Stokes made the following points:

- The original application was for 18 no apartments; the proposal was amended to address planners concerns and has now been reduced to 15 no apartments.
- There were 30 objections to the original development proposal; only 5 have been received in relation to the new design. Land has now been retained to address the road safety issue of the turning of service vehicles.
- The ridge and eaves height of the overall apartment building has been reduced to 2.5 storeys.

- Scale and massing - the separation distance between the proposal and the existing adjacent apartment development has been increased to approx. 15.5m.
- Overlooking on neighbouring residents – the revised plans provide a 1.8m high glass screen to address this issue.
- Amenity space has been increased.
- The revised proposal complies with the three Key Site requirements.
- There was no objections from Consultees.

In response to a Member's query in relation to the nesting of Sand Martins on the cliff behind the proposed apartments T Stokes referred Members to No 5 of the Planning Conditions in that all construction activity to the rock outcrop shall take place outside of the bird breeding season which lasts from 1 March to 31 August.

The Senior Planning Officer confirmed that the NED acknowledges the concerns raised and advised that Condition 5 be attached.

The Senior Planning Officer responded to a Member's query in relation to an inconsistency with an application that was refused the previous month on integration with reference to landscaping as set out in paragraphs 8.16 and 8.18 of the Planning Committee Report.

The Senior Planning Officer explained that the application to be determined is within an urban area however, the application refused the previous month was in a rural area. Therefore different policies apply to rural and urban applications and Policy CTY 13 which applies to rural applications requires the consideration of integration and stipulates what is and is not acceptable. Policy CTY 13 does not apply to the current application. Furthermore, as the proposal is within the settlement limits there is a general presumption in favour of development, which differs from applications outside development limits.

In response to a Member's query the Senior Planning Officer clarified that adequate provision had been made for the public and private amenities for all 15 apartments which consist of private terraces, private balconies or communal areas. For example Apartment 5 has 4m² and apartment 14 17m² amenity space. He clarified that it was not unusual for every apartment not to have a private amenity space but all apartments would have access to communal areas. There was 35m² of green open space and 97m² of hard surface area, excluding the car

parking area. The Senior Planning Officer confirmed that the average amenity space for each apartment complied with the required 10m² per unit.

The Head of Planning referred Members to 'Creating Places', paragraph 5.20 which states "In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 – 30m² per unit."

Proposed by Councillor Nicholl
Seconded by Councillor MA McKillop

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the proposal to the Committee to vote. 10 Members voted For, 1 Member voted Against and 1 Member Abstained.

The Chair declared the proposal to **APPROVE** carried.

* **Press left the meeting at 2.25pm.**

5.6 Objection LA01/2019/0511/F 20 Circular Road, Coleraine (*Agenda Item 5.6*)

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, J Lundy, via PowerPoint.

The Senior Planning Officer described the site and its context for full planning for the Change of Use and Alterations to Ground Floor Retail Unit to Provide 4 no. Residential Apartments. The site is located within the Coleraine Settlement Limit, Coleraine Town Centre as defined in NAP 2016.

There were two objections and one Petition of Objection relating to parking and bin storage.

* **Councillor Baird left the meeting at 2.26pm.**

The change of use from retail to residential has been considered in the report. The Senior Planning Officer informed Members that under

paragraph 6.279 of the SPPS, the policy requires that no development should impact on the vitality and viability of an existing centre. Given that the existing use is a ground floor retail unit, and is located in the town centre, the preferential location for retail development, the loss of retailing within the town centre should be resisted. However, following consultation with the Development Plan and the location on the perimeter of the Town Centre boundary it is considered that the loss of retail space as a result of this proposal would not impact on the vitality and viability of the town centre given the oversupply of retail land available.

The proposal provides four residential units to include 3 one bedroom apartments and 1 bedsit. The proposal is located on the ground floor of an existing apartment building. The proposal is considered to meet with the relevant policies in relation to parking; there are 7 existing in-curtilage spaces.

Applying Parking Standards to the existing building 14 spaces are required. However, Parking Standards also advises that lesser provision may be acceptable in inner urban locations. The agent has submitted a map showing on street public parking in the surrounding area. This includes the Mall public car park and on street parking along Circular Road. The Mall car park is Council owned and a paid car park. On street car parking is restricted between 9am – 5pm, Monday – Saturday.

It is considered that given the town centre (inner-urban) location, the proximity to public transport hub and links, the need for accommodation in such areas to provide for non-car users, the car parking available at Mall car park and along Circular Road and the lack of objection from DFI Roads that there is sufficient levels of car parking available to serve the proposal.

The bin storage area has been increased to take account of the increase number of apartments.

The Senior Planning Officer informed Members that as referred to in the Planning Committee Report the objectors had asked that the application be held until a residents parking scheme has been approved by Council. Such scheme is not within the remit of Planning.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10.

In response to a concern in relation to car parking spaces the Senior Planning Officer clarified that there is sufficient car parking already available for the proposal and the current car parking facility would only free up one additional parking space.

The Chair invited S McNeill, Applicant to address the Committee in support of the application.

S McNeill made the following points:

- The current premises has been a commercial retail business for over 30 years.
- In 2005 plans were approved for a proposal to reconstruct the building with a ground floor retail business with apartments above.
- The premises was used for commercial enterprises from 2005 to 2016 and then it was no longer required.
- It was briefly used as a trial for an on-line business.
- In 2016 the current premises was put on the market for renting, however there was little or no interest for commercial use.
- An architect researched into the area and established that bedsits would attract students and the elderly.
- 9 apartments are currently on site with 7 parking spaces allocated to the block. Only 4 residents currently own cars.
- Parking is limited to one hour in front of the building between 9am and 5pm Monday to Saturday.
- The proposal frees up one extra car parking space.

Proposed by Councillor P McShane

Seconded by Councillor Nicholl

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the Committee to vote. Committee voted unanimously in favour.

The Chair declared the motion to **GRANT** carried.

* **Councillor Baird re-joined the meeting at 2.35pm.**

AGREED - that Agenda Item 5.13 be the next item to be discussed.

5.7 Referral LA01/2019/0755/O Between 42 & 56 Drumsurn Road Limavady (Agenda Item 5.13)

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, J McMath, via PowerPoint.

The Senior Planning Officer described the site and its context for outline planning for the proposed dwelling and detached garage/store at an existing cluster of development centred around Drummond Cricket Club.

The roadside site is located between 42 and 56 Drumsurn Road and comprises half of the existing cricket pitch associated with Drummond Cricket Club. The site is relatively flat and is located in the rural area to the east of Limavady outside any settlement limit as defined within the NAP 2016. The surrounding area is characterised by agricultural land with a number of roadside dwellings.

The roadside boundary of the site comprises a post and wire fence, while the southern boundary, adjacent to No. 56, is defined in part by a timber ranch fence and in part by hedgerow. The northern and eastern boundaries are undefined.

The proposal has been submitted as a dwelling within an existing cluster and therefore falls to be determined under Policy CTY 2a which requires the site to meet 6 criteria. For the purposes of the policy the site lies outside a farm and is situated next to the required number of buildings and cricket club, the club is a social facility and the contributing components of the cluster are visually linked and form a visual entity.

The red line of the site is technically bounded on two sides with development. However, the expansive nature of the site, the open nature due to the site lacking boundaries and reliant on new planting and the set back of the pavilion by 110m from roadside, means any development would be read with the roadside development and would extend the linear pattern of development along Drumsurn Road rather than be absorbed into, round off, or consolidate an existing cluster.

The development would extend development into the open countryside, would result in ribbon development and in doing so erode rural character. The site is open and conspicuous with no enclosure or backdrop and would be reliant on new landscaping and would fail to integrate.

Having considered the proposal under Policy CTY 8, the pavilion does not have a frontage. The gap between the buildings at No 40 and No 56 is approximately 250m, which is 5.5 times the average of 45.5m. No overriding reason has been forthcoming as to why this development is essential.

The site being an area of open space, used and maintained as a cricket pitch, is protected from development by policy OS1 of PPS 8 which states that development will not be permitted which would result in loss of existing open space. Exceptions to the policy apply where redevelopment will bring substantial community benefit that decisively outweigh the loss of open space or where it is demonstrated that the loss of open space will have no significant impact on amenity, character or biodiversity and where alternative provision is made elsewhere for the equivalent size etc. of space.

This application is for 1 dwelling and does not relate to the provision of community facilities therefore will not bring community benefit and it has not been demonstrated that the loss of amenity space will have no significant detrimental impact on amenity, character or biodiversity and that alternative provision has been made elsewhere.

In conclusion, the application site fails to be satisfactorily absorbed into an existing cluster through rounding off or consolidation. The application site will not allow a dwelling to be suitably enclosed by existing development within the cluster and will fail to adequately integrate, having a detrimental impact on rural character through adding to ribbon development and contributing to suburban style build up. The application site represents existing open space, where there is a presumption in favour of retention unless there are substantial community benefits which outweigh its loss. These community benefits have not been demonstrated. The proposal is contrary to Paragraphs 6.70, 6.73 and 6.201 of the SPPS and Policies CTY 1, CTY 2a, CTY 8, CTY 13 and CTY 14 of PPS 21 and Policy OS 1 of PPS 8.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9

and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

In response to a Member's query in relation to the Cricket Club the Senior Planning Officer clarified that the building was identified as a Cricket Club but could not confirm if it was still used as one. She confirmed that the pavilion was situated 110m back from the road and the gap between No 40 and No 56 was 250m, which could accommodate 5 dwellings. The application site has a frontage width of approximately 45m.

The Senior Planning Officer clarified that the application was submitted as a dwelling within an existing cluster and not applied for as a dwelling on a farm. The application is considered under Policy CTY 2a and Policy CTY 8 of PPS21.

The Chair invited C Mcllvar to address the Committee in support of the application.

C Mcllvar made the following points:

- The Cricket Club was in part a Community Club and is accessed by 150 people. It is currently in debt and the sale is needed to settle the debt.
- The proposal meets Policy OS 1 of PPS 8 which would allow for redevelopment as the proposal would bring substantial community benefits.
- The Cricket Club has not been used as a sporting facility for over 10 years.
- The application was submitted as a dwelling within a cluster and not as an infill.
- Council is satisfied that the proposal is situated within an existing cluster.
- Alternative provision for loss of open space has been provided for.
- The buildings provide enclosure; pavilion at rear which provides enclosure.
- Proposal integrates into rural character of the area and adds to the ribbon development at this location; one more dwelling would not erode rural character.
- Site would not open views on to Drumsurn Road; there is a heavy tree belt on lane to pavilion.

The Chair informed Members that this was new information in relation to the application that had not been received by the Planning Officers. In light of this Councillor Baird requested that Members needed time to review and consider the new information before a decision could be made.

Proposed by Councillor Baird
Seconded by Alderman Boyle and

AGREED - that the application be deferred for one month to allow for the additional information to be considered and a Site Visit be held to review the road and hedging.

* **Councillor Nicholl left the meeting at 2.54pm.**

5.8 Referral LA01/2017/1311/O 168 Agivey Road, Coleraine (*Agenda Item 5.7*)

Planning Committee Report and Addendum were previously circulated and presented by the Senior Planning Officer, J McMath, via PowerPoint.

The Senior Planning Officer described the site and its context for outline planning for a proposed two storey dwelling with garage to replace existing school buildings.

The Senior Planning Officer stated the application was brought before the Planning Committee in November 2018 with a recommendation to refuse under policies CTY 1 and 3 of PPS 21 and PPS 2 and was deferred by the Planning Committee to seek the submission of a structural report.

The structural report was submitted as was a cost comparison and a bat roost potential survey. Comments were sought from building control and the information has been considered in detail in the Addendum to the Planning Committee Report.

The site is situated within the rural area outside any development limit as provided for by NAP and the roadside site is situated on Agivey Road. It comprises of the former school building, main building and later added flat roof annexes.

The SPPS does not permit the replacement of former schools for dwellings only their conversion where it involves minimal intervention.

Policy CTY 3 of PPS 21 although entitled “replacement dwellings”, the third paragraph permits replacement of redundant non-residential buildings with a single dwelling where redevelopment would bring significant environmental benefit and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

For the replacement of a redundant non-residential building the test is two-fold:

- (i) Is the building listed or makes an important contribution to the heritage, appearance or character of the locality?
- (ii) Would the redevelopment scheme bring significant environmental benefit?

Firstly an objection letter was received which advised that the building had been in existence for over 60 years and was a land mark. Officials are of the opinion that the building is locally important and makes an important contribution to the heritage of the locality by its use as the local school.

Secondly no significant environmental benefits have been forthcoming other than stating that it will negatively impact on appearance, enjoyment of adjacent dwellings and approved site in terms of deterioration and security from vandalism.

The building is in good repair but redevelopment but would not bring significant environmental benefits.

Therefore Policy CTY 3 does not permit replacement of this non-residential building. The provision in Policy CTY 3 for the consideration of structural soundness of building refers to the replacement of non-listed vernacular dwellings only and does not apply to non-residential buildings. However as the Committee sought submission of a structural report Council’s Building Control have confirmed that there will be cost implications for ensuring compliance with building regulations and if further alterations or extensions are required and that cost implications are subjective. This does not justify approval of the development which is contrary to policy in this case.

SPPS supports sympathetic conversion and reuse of locally important buildings and the agent has been advised of this as an option. Conversion is possible and costings are not prohibitive.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with the SPPS and Policy CTY 3 of PPS 21 in that the proposed redevelopment would not bring significant environmental benefits.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

Addendum Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in the Addendum.

In response to Member's request for clarification on Paragraph 8.8 of the Planning Committee Report the Senior Planning Officer clarified that the building is not a listed building and the building has been in existence for over 60 years and was a land mark. This was taken into consideration but the redevelopment proposed would not bring significant environmental benefits to the local area. She also confirmed that this was not solely the reason for refusal.

* **Councillor Nicholl re-joined the meeting at 2.58pm.**

The Head of Planning clarified that the application failed under Policy CTY 3 PPS 21 Replacement Dwellings and conversion was the key criteria to CTY 3. She read out the relevant section of the Policy to Members. She clarified that this application was a non-residential build and therefore the redevelopment proposed would have to bring significant environmental benefits; the application did not address that. These type of buildings should be converted and not replaced.

The Senior Planning Officer referred Members to paragraph 8.11 of the Planning Committee Report in that the Agent had been contacted in relation to this but did not deem this a viable option.

* **Councillor P McShane left the Meeting at 3.00pm.**

In response to a query from a Member in relation to listed buildings the Head of Planning advised Members that if they are of the opinion that a building should be listed then they should contact HED.

The Senior Planning Officer informed Members that the Policy does not provide for assessment in the difference of funding.

In response to a Member's query the Senior Planning Officer confirmed that the Agent was contacted by various emails and a letter was sent out to them on 9 August referring to the relevant policies and a response was received in September. In their response they referred to the SPPS and use of the building and provided their opinion on the structure and cost, but stated that they did not want to look at this as a conversion.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

- that the Committee note the contents of the Addendum and agrees with the recommendation to **REFUSE** as set out in the Addendum.

The Chair put the proposal to the Committee to vote. 8 Members vote For, 0 Members voted Against and 2 Members Abstained.

The Chair declared the motion to **REFUSE** carried.

- * The Chair declared a recess at **3.10pm**.
- * The meeting reconvened at **3.38pm**.
- * **Councillor P McShane re-joined the meeting at 3.38pm.**

5.9 Referral LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey (Agenda Item 5.8)

Planning Committee Report, Addendum and Site Visit report dated 17 October 2019 were previously circulated and presented by the Development Management & Enforcement Manager, S Mathers, via PowerPoint.

The Development Management & Enforcement Manager, described the site and its context for full planning for a conversion and extension to historic mill outbuilding to facilitate wedding functions on the ground floor with apartment above.

In terms of the Northern Area Plan 2016, the site is located in the open countryside, outside any designated settlement. Policy CTY 4 of PPS 21 makes provision for the conversion of buildings in the countryside for other uses. This policy was refined by the SPPS which requires the candidate building for conversion to be a suitable locally important building of special character or interest. In this case the candidate building is considered to meet this test in that it forms part of a former historic flax mill complex. The subject and adjacent buildings are not listed. Rather, they form an Industrial Heritage registered site.

The proposal entails a function space on the ground floor; construction of a new lobby; provision of apartment accommodation on the first floor and; a further building for toilet facilities.

Historic Environment Division have been consulted and are content with the proposal.

The proposal is near third party properties and given the nature of the use, there is the potential for noise to cause detriment to amenity. The nearest dwelling is 18 Mill Lane, approximately 330m away. Environmental Health have been consulted and are content subject to specific mitigation measures and conditions.

The proposal uses Mill Lane which is not adopted by the Department. The lane is shared by 6 existing dwellings. DfI Roads has measured the existing visibility splays at the junction of the lane with Monneybrannon Road. They are 4.5m x 106m on the right side emerging and 2.4m x 23m on the left side emerging. The required visibility splays for the proposal are determined by the proposed total number of vehicle movements and whether this results in intensification. The proposal is to accommodate up to 80 function guests. Assuming that guests arrive in pairs, up to 40 vehicles could attend the premises. This equates to 80 daily vehicle movements in addition to the 60 arising from the existing dwellings. Therefore this generates a total of 140 vehicle movements which well exceeds the 5% increase for intensification. Intensification is calculated on a daily basis rather than an averaged basis over longer timeframes.

DCAN 15 sets out the requirements for accesses. This requires the x distance (or depth of splay) for accesses with more than 60 vehicle movements per day (VPD) to be 4.5m. As in this case the VPD is 140, the threshold requiring the 4.5m x distance is met. DCAN 15 allows a reduction in the x distance to 2.4m where traffic speeds on the priority road are below 37 mph. This does not apply in this case as the assessed traffic speed is well in excess of this. Also the assessed traffic speed is used to calculate the y distance (or length of splay). In this case 160m is required using an assessed traffic speed of 53mph.

Therefore substantial improvements are required to the access. In this case none are proposed.

Objections have been received and the detail of these are set out in the report.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 21 and PPS 3. The proposal fails to meet all the tests of the SPPS, Policy CTY 4 of PPS 21 and Policy AMP 2 of PPS 3 as it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users. Refusal is recommended.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

Addendum 1 Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair invited D Parker and D Lynn to address the Committee in objection to the application. D Parker informed the Chair that D Lynn was unable to attend the meeting.

D Parker made the following points:

- He agreed with Councils comments in relation to the visibility splays.
- He supported the Planning Officers recommendation to refuse.

- Too much traffic would be generated for a small lane with no room for cars to pass each other.
- Too many heavy vehicles would be required to service the wedding the day before.
- On wedding days a huge amount of traffic would be generated, i.e. stretch limousines, minibuses, taxis and cars.
- There would be impacts regarding noise and anti-social behaviour which have already been experienced by previous weddings at the Flax Mill as well as hen parties and stag nights.
- Health concerns in relation to increased odours from the proposed site.

In response to a Member's question, D Parker stated that he had lived in Mill Lane for 13-14 years where there are currently six dwellings; more than enough cars going from Mill Lane on to the Moneybrannon Road especially in adverse weather conditions.

The Chair invited D Donaldson, Agent and F Duncan applicant to address the Committee in support of the application.

D Donaldson made the following points:

- The Mill had been in a derelict state for over 10 years. It has already been partly restored.
- The site is located along a quite laneway and has access to Macosquin River.
- Flax Mill has already held a number of weddings and proposes to hold approximately 6-8 weddings per year.
- The lane services farm land.
- DfI Road have some concerns in relation to the visibility spays, however the existing visibility splays are close to those required by Planning. The left hand side is limited by a low fence. Visibility is better than the Lisnamuck Road junction. DfI Roads response is flawed; its response is disproportionate to the proposed development.
- DCAN 15 is a guidance document.
- Intensification can be calculated on a yearly basis and not daily as stated in DCAN 15.
- The applicant is content to accept the conditions in relation to the number of events proposed to be held.

F Duncan, Applicant, informed Members that 2 functions had already been held at the Old Flax Mill and apologised if they had caused any inconvenience to neighbours. He acknowledged neighbours' concerns. He also asked Members to consider the issue of proportionality.

He informed Members that the Old Flax Mill was an eyesore before he purchased it and that he had tried to make it more habitable and his proposal is to hold 6-8 weddings per year.

In response to a Member's query which related to D Parker's comment that other functions had been held at the Old Flax Mill, F Duncan stated that there had been hen nights held but not stag nights, and had also held a charitable function. He also stated that a table tennis table and pool table had been installed.

In response to a Member's query that the visibility splays already in existence differed considerably with Planning requirements F Duncan informed Members that DfI Roads had measured from the left hand side. A small wooden fence bisects the visibility splays but if moved 2m back then it is possible to reach the 160m required. F Duncan confirmed that he hadn't asked the 3rd party to remove the fence. F Duncan also informed Members that he had tried to arrange a meeting with his neighbours living on the laneway, but had been unsuccessful.

The Development Management & Enforcement Manager clarified that he had queried the intensification with DfI Roads as set out in DCAN 15 and they advised that it is calculated on the basis of daily traffic movements and not a longer term average. He read out DCAN 15 in regards to access and transportation and reiterated that DCAN 15 is a guidance document.

In response to a Member's query A Gillan, DfI Roads stated that in order to achieve the required visibility splays 3rd party land would need to achieve the required standard. The visibility splay standard cannot be reduced just simply because it cannot be achieved or outside of the applicant's control. He advised that dwellings are assessed as having 10 vmpd; wedding of 80 people would be 80vmpd; 5% intensification over and above the 6 dwellings would be an increase of 3 vmpd. The proposal is well in excess of the 5% intensification threshold and therefore the increased visibility splays is necessary.

The Development Management & Enforcement Manager clarified that a further dwelling would require an upgrade of the existing access.

A Gillan clarified that the additional development would require visibility splays of 4.5m x 160m. The applicant submitted plan for visibility splays of 2.4m; the required standard has not been met. This would prejudice road safety.

The Development Management & Enforcement Manager informed Members that at the end of the weddings/events planned to be held many vehicles would leave the venue at the same time, which would create queues. A 4.5m distance is required to accommodate this. In the current form Planning would not have the ability to attach planning conditions.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

- that the Committee note the contents of this Addendum and agrees with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair put the proposal to the Committee to vote. 11 Members voted For, 0 Members voted Against and 1 Member Abstained.

The Chair declared the motion to **REFUSE** carried.

5.10 Referral LA01/2018/1415/O Site adjacent No. 26 Brisland Road, Greysteel (Agenda Item 5.9)

Planning Committee Report, Addendum and Erratum and Site Visit Report were previously circulated and presented by the Senior Planning Officer, J McMath, via PowerPoint.

The Senior Planning Officer described the site and its context for outline planning for a site for a dwelling within an existing cluster of development under Policy CTY 2a of PPS 21.

The Senior Planning Officer referred Members to the Erratum which had been amended and clarified the refusal reason. She also referred

Members to the Addendum issued which covered the Site Visit on 20 January 2020 and Policy CTY 7.

The Senior Planning Officer informed Members that she had received further correspondence on 20th January 2020 which had been sent to some Members of the Planning Committee by the applicant. This referred to the Agent's Statement that had previously been considered by Officers. The Senior Planning Officer read the points from the correspondence.

The site is situated in the rural area outside any defined settlement limit as provided for in NAP and is situated to the west of Greysteel.

The character of the area is agricultural with a number of dwellings and a church, graveyard and a church hall is evident to the east of the site. A public road bounds the site to the north and south.

The roadside site is located adjacent to No 26 Brisland Road and the roadside boundary is defined by a post and wire fence. The northern boundary to Clooney Road is defined by a post and wire fence and mature hedge; the western boundary is defined by a timber fence and the eastern boundary is overgrown vegetation. Vegetation is evident throughout the site.

The topography of the site falls down from Brisland Road to Clooney Road. Some infilling has taken place within the site.

After considering the site in its surrounding context, officials are of the opinion that at this location there is a cluster of more than 4 buildings of which at least 3 are dwellings. The cluster is a visual entity in the local landscape, is associated with a community building, in this case the church and community hall, and would not adversely impact on residential amenity. However, a dwelling under policy CTY 2a must meet all 6 criteria and in this case the proposal fails to comply with criteria 4 and 5.

The site is only bounded on one side by the dwelling at No. 26 and fails to comply with Policy CTY 2a in that it is not bounded on at least two sides by development. In this case there is no development to the north, south and east with Clooney Road to the north, the open field to the east and Brisland Road to the south. The dwellings on the opposite side of Brisland Road cannot be taken as counting as other development for the purposes of the policy because they are visually and physically separated from the site by Brisland Road. The site therefore fails to

possess a suitable degree of enclosure. In addition, the site cannot be absorbed into the existing cluster through rounding off and consolidation because it is only bounded on one side by development. The proposed development will extend the built development along Brisland Road and Clooney Road, add to the ribbon development which would be contrary to Policy CTY 8, erode rural character which is contrary to Policy CTY 14 and visually intrude into the open countryside.

The site is also elevated above Clooney Road and once vegetation is removed to facilitate development would be open, prominent and fail to adequately integrate. In addition no overriding reasons have been provided as to why this development is essential and could not be located in a settlement.

Precedent cases were raised and were not found to be comparable, officials would also stress that if permitted this site would set a wide ranging precedent for similar development along this stretch of Brisland Road.

The Agent also states within a statement to support the application that the proposal complies with policy CTY 7 dwelling for a non-agricultural business, but as no information has been forthcoming as to the details of the non-agricultural business and as the description of the proposal refers to policy CTY 2a only, the proposal has not been assessed in detail under policy CTY 7. The proposal is therefore contrary to policies CTY 1, 2a, 8, 13 and 14 of PPS 21.

In conclusion, the proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, and 21. The proposal fails to meet with the principle for a dwelling in a cluster in the Countryside. In addition it would add to a ribbon of development, fail to integrate and would erode rural character. Consultee responses have been considered. As the proposal has not complied with various planning policies it is unacceptable, and refusal is recommended.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out set out in section 10.

Addendum 1 Recommendation – that the Committee notes the contents of the Addendum and agrees with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited L Kennedy, Agent to address the Committee in support of the application.

L Kennedy made the following points:

- The proposed new dwelling complies with Policy CTY 2a in that it complies with criteria 1, 2, 3 & 6 as detailed in paragraph 8.5 of the Planning Committee Report:
 - it is a new dwelling within an existing cluster which consists of no fewer than 32 existing buildings, 14 of which are dwellings
 - the cluster appears as a visual entity in the local landscape
 - the cluster is associated with a focal point in this case a church and graveyard
 - a condition could be added so that the development would not adversely impact on residential amenity.
- In relation to criteria 4 of Policy CTY 2a, the site is bound on two sides by mature vegetation, the criteria states that it must be bound on two sides with other development within the cluster, it does not refer specifically to buildings. The development consists of an existing dwelling at No 26. There are street lights, a boundary wall and a development opposite at No 33. Therefore the proposed application meets criteria 4.
- In relation to criteria 5 of Policy CTY 2a the extra dense mature vegetation provides boundaries and therefore provides a break so that the proposal would not visually extend into the open countryside. Therefore the proposed application meets criteria 5.
- This application is similar to an application by O'Hara Car Sales in March 2019 which was approved by the Planning Committee under Policies CTY 2a and CTY 7.

In response to Members' queries the Senior Planning Officer clarified the following points:

- Planning considered in detail the characteristics of the site, surrounding area and the PAC decision. As No 33 Brisland Road is

on the opposite site of the road it is not bound to the south and is only bound to the west with a detached dwelling at No 26 Brisland Road. Therefore the proposal does not meet criteria 4 of Policy CTY 2a.

- A site visit was held on Monday 20 January 2020 which showed that infilling had taken place on the site; the proposed site would sit at a different height. There was very little vegetation at the front of the site at Brisland Road but there would be more vegetation at Clooney Road which would vary at different times of the year.
- In relation to a comparison to the O'Hara's Garage application which was approved in March 2019, dwelling in a cluster under Policies CTY 2a and CTY 7, this was initially recommended for refusal but was brought to the Planning Committee where Members approved the application. Reasons for approval were the position of the dwelling on the site and the relationship to O'Hara's extensive car facility being provided.

Proposed by Councillor Nicholl

Seconded by Councillor MA McKillop

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- that the Committee notes the contents of the Addendum and **disagrees** with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report and resolves to **APPROVE** planning permission for the reasons set out:

- The proposed application meets criteria of Policy CTY 2a in that the site is bound on 3 sides with other development in the cluster and would round off development.
- The mature vegetation meets requirements and provides long standing boundaries.
- The site would be rounded off by the north, east and west boundaries and therefore would not visually extend into the open countryside so would not be prominent within the landscape. Therefore criteria 5 of Policy CTY 2a would be met.

- The proposed site integrates through the development at Brisland Road.
- The site is bound to the east by a footpath, lighting and adjoining properties

The Chair put the proposal to the Committee to vote. 5 Members voted For, 6 Members voted Against and 1 Member Abstained.

The Chair declared the proposal **LOST** and advised that the direct opposite carried:

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission.

- that the Committee notes the contents of the Addendum and agrees with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair declared the motion to **REFUSE** carried.

- * The Chair declared a recess at **4.40pm**.
- * The meeting reconvened at **4.50pm**
- * **Alderman Duddy and Councillor P McShane did not re-join the meeting.**

5.11 Referral LA01/2019/0150/O Between 105 & 107 Knocknacarry Road, Cushendun (Agenda item 5.10)

Planning Committee Report, Addendum, Erratum and Site Visit Report dated 25 September 2019 were previously circulated and presented by the Development Management & Enforcement Manager, S Mathers, via PowerPoint.

The Development Management & Enforcement Manager, described the site and its context for outline planning for a site for an infill dwelling between Nos. 105 & 107 Knocknacarry Road, Cushendun.

The Development Management & Enforcement Manager informed Members that the Erratum was an amendment to refusal reason 2 and that the Addendum referred to the amended plans received on 28

November 2019 showing access to the site to facilitate on-site turning and parking of vehicles.

In terms of the Northern Area Plan 2016, the site is located in the open countryside, outside any designated settlement. Policies CTY 1 and CTY 8 allow provision of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. However a specified requirement of the policy is that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.

In this case the proposal is located in a built up frontage comprising Nos. 103, 105 and 107 Knocknacarry Road. The average plot width of these is 25.5m. The proposal seeks to accommodate a dwelling in the side garden of No. 107 within a narrow site of approx. 9.4m in width. This results in the site having a hemmed, shoe horned appearance which clearly fails to conform to established plot sizes. The harm is compounded by the narrow frontage width of the proposed dwelling at just 5m.

The detached building at No. 103 is distinguishable from the application site in that: it does not comprise a separate dwelling unit; it does not have its own curtilage; it shares the same vehicular access as the main dwelling; it is set much further back from the road and it retains its appearance as a domestic garage/building as originally approved.

Given its hemmed appearance, the development would fail to respect the traditional pattern of settlement and would harm the appearance of the Area of Outstanding Natural Beauty (AONB).

The site layout plan submitted with the proposal shows that the proposal would not have a negative effect on adjacent properties in terms of overlooking, dominance or overshadowing.

Following submission of a revised site layout plan, the access arrangements are acceptable in principle.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal is considered contrary to Policies CTY 1, 8, and 14 (c and d) in that the proposed gap site is too narrow and does not respect the existing pattern of development along the frontage in terms of size, scale and plot size and would add to a ribbon of development. The proposal is contrary to Policy AMP 7 of PPS 3 as it

has not been demonstrated that adequate provision cannot be made clear of the highway for the parking and turning of vehicles on the site and it would therefore prejudice the safety and convenience of road users. The proposal is also contrary to Policy NH 6 of PPS 2 in that the plot size and layout is not appropriate to the AONB location. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to CTY 1 of PPS 21 and paragraph 6.73 of the SPPS. Refusal is recommended.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

Addendum 1 Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in paragraph 10 of the Planning Committee Report.

The Chair invited S Bailey, Agent to address the Committee in support of the application.

S Bailey made the following points:

- The proposed application in the garden of No 107 is applied under Policy CTY 8 of PPS 21.
- No 107 has a wider frontage than other adjacent plots.
- The site is only visible from the front and the side.
- The applicant accepts the ridge height restriction.
- The riverside verge would require minimum alterations.
- The applicants run a well-established, prize winning Bed and Breakfast – The Sleepy Hollow at No 107.
- The applicants are at retiring age and the proposed dwelling is for their daughter to run the Bed and Breakfast with her partner.
- No objections have been received.

In response to a Member's question in relation to whether the application would have been considered if it had been submitted as a separate dwelling instead of an infill dwelling the Development & Enforcement Manager clarified that subject to a suitable design, a separate application

for an annexe may be considered but a new application would need to be submitted to the Planning Department.

One Member stated that the proposal was essential to the running of the Bed and Breakfast and in his opinion was not contrary to Policy CTY8 PPS21 and would not be out of place along the roadside; there would be no further infills along Knocknacarry Road.

In response to Members' queries in relation to the refusal reasons the Head of Planning confirmed the refusal reasons as set out in Section 10.1 – 10.5 of the Planning Committee Report.

Proposed by Councillor McMullan
Seconded by Councillor MA McKillop

- that the Committee has taken into consideration and *disagrees* with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out below:

- that the Committee notes the contents of the Addendum and *disagrees* with the recommendation to refuse as set out in the Addendum and resolves to **APPROVE** planning permission for the reasons set out below:

- Under Policy CTY 1 of PPS 21 the proposed application would add to an already successful Bed and Breakfast business.
- No site line would be visible from Cushendun.
- The plot size is acceptable and the proposal would be set in the grounds of the Bed and Breakfast which the applicants own and would not be deemed to be out of place.
- There would be no opportunity for further infill dwellings along Knocknacarry Road similar to this site.
- The current dwellings on Knocknacarry Road are all road frontage.
- Area of Outstanding Natural Beauty (AONB) – the proposed dwelling would be in keeping with Nos 105 and 107 and would not be out of place in the area in relation to design and setting.

The Chair put the proposal to the Committee to vote. 6 Members voted For, 3 Members voted Against and 1 Member Abstained.

The Chair declared the motion to **APPROVE** carried. It was agreed to delegate the conditions and informatives for the planning permission to Planning Officers.

* **Councillor McMullan left the meeting at 5.10pm.**

AGREED – that Conditions and Informatives are delegated to Officers.

The Chair reminded Members that four applications had been deferred for site visits.

Proposed by Councillor Nicholl
Seconded by Councillor Scott and

AGREED - that the Planning Committee Meeting to be held on Wednesday 26 February 2020 would commence at **10am**. Site Visits to take place on a separate date before the Planning Committee Meeting.

The Head of Planning informed Members that she would look at the Members Calendar for Site Visits to take place on Monday 24 February 2020.

* **Councillor Dallat O’Driscoll left the meeting at 5.12pm.**

* **Alderman McKeown left the meeting at 5.12pm.**

6. DEVELOPMENT MANAGEMENT PERFORMANCE

6.1 Update on Development Management and Enforcement Statistics 01/04/19 – 30/11/19

Report, previously circulated presented by the Head of Planning.

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of November 2019. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 within the report details the number of Major planning applications received and decided, as well as the average processing times. These figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has

decreased by 4, however, the number of major applications decided has increased by 8.

2 major applications were issued in the month of November. One of these applications was for a market for the Vineyard Church. This application required the submission of a Flood Risk Assessment and numerous consultations with DFI Roads. The other application was for extensions to both Limavady High School and St Marys Primary School where delay related to resolution of issues regarding the Waste Water Network which was already at full capacity and in relation to the Habitat Regulation Assessment. These issued resulted in longer processing times.

Table 2 within the report details the number of Local planning applications received and decided as well as the average processing times. These figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 52 applications and the number of decisions issued/withdrawn has decreased by 19 applications. Of note is that more decisions are being issued than applications received, reducing the overall number of live applications in the system.

Although we did not meet the statutory target of 15 weeks for processing local applications the average processing time has improved by 3.8 weeks when compared to the same period last year and with 5.7% more local applications being processed within the statutory target increasing to 40.5% of local applications processed within the 15 week target YTD.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. These figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has increased by 41 and the number of cases brought to conclusion has decreased by 36.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be exceeded by our Enforcement team with 86.7% of cases YTD concluded within the statutory target. An improvement of 9.1% when compared to the same period last year. Furthermore, the length of time taken to conclude 70% of cases has reduced by 8 weeks taking just 26 weeks YTD to conclude.

Table 4 within the report details the total number of Local applications determined under delegated powers. Determined is taken as the date

the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 92.59% of applications determined were delegated under the scheme of delegation.

Table 5 within the report provides details on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that all applications which have been overturned are on applications referred to Committee by Elected Members.

Table 6 within the report details the number of appeal decisions issued since 1 April 2019. These figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports. No decisions have been issued by the PAC for this Council in the month of October.

Table 7 within the report provides the details of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. Council made 2 claims for cost during November with one cost being denied and no decision has been received for the other claim which relates to the Castle Erin application. The applicant has also lodged an award of costs against the Council in relation to the castle Erin application. The other award of costs against the Council relates to a refusal of planning permission for a farm dwelling at Craigmore Road, Coleraine (2019/A0124) and PAC have not made a decision on this as of yet.

Table 8 within the report details the number of contentious applications which have been circulated to all Members in the months April - November and the number which have referred to the Planning Committee for determination. To date 56.32% of contentious applications have been referred to Planning Committee for determination.

It is recommended – that the Planning Committee note the update on the Development Management Statistics.

AGREED - that the Planning Committee note the update on the Development Management Statistics.

6.2 Quarterly Report on Planning Performance

Report, previously circulated presented by the Head of Planning.

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases.

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Second Quarter 2019/20 Statistical Bulletin was published on 19 December 2019 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Table 1 within the report provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the second quarter of 2019-20 business year and provides a comparison of performance against all 11 Councils.

In the Q2, Causeway Coast and Glens Borough Council continued to issue the 2nd highest number of major applications out of the 11 Councils, and received the 3rd highest number of major applications in this period. In comparison to the same period last year, 1 less major applications was received in Q2 of this business year. The number of local applications received remains in the middle of all 11 councils and we have issued/withdrawn the 4th highest number of local applications in this period.

The number of live applications is now sitting at the 4th highest out of the 11 Councils and in terms of the percentage of live applications that are over 12 months in the system remains, we remain ranked in the middle out of all 11 Councils in terms of percentage of live applications that are over 12 months in the system.

Performance YTD remains steady having received the 3rd highest number of major applications and determined the 2nd highest number of major applications, all of which were approved. In terms of local applications we remain ranked 5th out of 11 Councils both in terms of applications received and applications decided/withdrawn. However processing times remain a concern. A workshop has been held with Planning Committee Members regarding the delays in the process and discussions have taken place on actions to improve the processing times of applications. A Report will be presented to Planning Committee shortly on this issue for agreement.

Table 3 and 4 within the report show statistics in relation to enforcement for Q2 of the 2019/20 business year and year to date. Of note is that of the cases closed, almost 34% were as a result of no breach of planning control being identified. Furthermore, the Enforcement team had the 2nd highest number of prosecutions in Q2 out of the 11 Councils and 4th highest number of live cases.

The Enforcement team continues YTD to meet the statutory target for concluding 70% of cases within the 39 week statutory target and is ranked in the middle of all 11 Councils in terms of cases opened and concluded.

Tables 5 and 6 within the report indicate the level of other activity carried out by the Planning Department over Q2 of 2019/20 business year and year to date.

In addition to the formal applications received, the Planning Department received 68 other types of applications relating to planning applications in Q2 and 135 YTD.

Table 7 within the report provides a breakdown of the income generated by the Planning Department from April - September of 2019/20 business year. Income is relatively steady but spiked in June and August due to receipt of large wind farm applications. Otherwise income has been lower month on month when compared to the same period last year. It is unlikely that the predicted income of £1,567,773 will be achieved this financial year.

In conclusion, performance within the Planning Department continues to steadily improve towards meeting the statutory targets. However areas of concern remain with the number of applications in the system over 12months and the length of time taken to process local applications. Caseloads of Planning Officers and staff resources continue to be monitored.

It is recommended that the Planning Committee note the Planning Departments Quarterly Report.

AGREED - that the Planning Committee note the Planning Departments Quarterly Report.

The Head of Planning informed Members that the Planning Department were currently sitting within budget and this was being carefully managed. Income at the end of Q2 was £883,925 and this too was being carefully monitored.

In response to a Member's query in relation to expenditure, the Head of Planning informed Members that she would add Budget Updates to the Planning Committee papers going forward.

The Head of Planning confirmed that the predicted income had been set by Finance and that clarification had been sought on the salaries budget.

A Member wished it to be noted that in her opinion the budget setter should always be the person in charge of the Department.

In response to a Member's query in relation to staffing the Head of Planning clarified that one member of staff had returned from maternity leave and one had returned from a career break. She also informed Members that some members of staff in the Planning Department were employed on Fixed Term Contracts and that the workload of Officers was being carefully monitored.

In response to a suggestion from a Member in relation to moving staff to help with any backlog the Head of Planning stated that moving staff from enforcement to help clear the backlog could result in delay in dealing with enforcement cases and may result in complaints regarding undue delay in the investigation of enforcement cases. She advised however, that she will continue to monitor staff resources, applications received and caseloads.

7. DEVELOPMENT PLAN

7.1 Local Development Plan Update

The Committee received a verbal report, presented by the Local Development Plan Manager, S Mulhern.

The Local Development Plan Manager informed Members that the LDP 6 month Work Programme was currently on target. The next programme would be presented at the February 2020 Planning Committee Meeting,

The Draft Plan Strategy was on target as per the Revised Local Development Plan Timetable published 25 November 2019.

The LDP Workshops on Draft Policies & Proposals would be commencing 29 January 2020 and would be open to all 40 Elected Members.

The Local Development Plan Manager stated that she was currently working through the Landscape Character Assessment Contract. Work to be finalised by the end of March and there will be a presentation to Members at LDP Workshop on 8 April 2020.

7.2 Development Plan Practice (DPPN) 10: Submitting Development Plan Documents for Independent Examination (Final Version)

The Committee received a report, presented by the Local Development Plan Manager, S Mulhern.

The Department for Infrastructure (the 'Department') has written to the Council to inform it of the publication of the final version of guidance document 'Development Plan Practice Note (DPPN) 10: Submitting Development Plan Documents for Independent Examination' (Appendices 1 & 2 previously attached).

The Council must prepare a Local Development Plan (LDP) for its area. In doing so the Council must publish for comment two formal Development Plan Documents (DPDs): a Draft Plan Strategy (PS) and a Draft Local Policies Plan (LPP). Following consideration of the representations received the Council must submit these documents to the Department so that it may cause an Independent Examination (IE). An IE is a public examination of a DPD that is commenced, conducted and concluded by an independent examiner.

The DfI Guidance – Development Plan Practice Note 10 was presented at the Planning Committee 25 September 2019.

This final version (published 19 December 2019) focuses on the key legislative requirements for the submission of a DPD for IE. These apply at both the Draft Plan Strategy (PS) and Draft Local Policies Plan (LPP) stages of the Council's LDP preparation. These documents cannot be adopted until their respective IE process has been completed. When both have been adopted they together comprise the LDP for the Borough.

If Council considers it necessary to undertake either focussed or fundamental changes this may require a revision to the LDP Timetable and/or Statement of Community Involvement in Planning (SCI), which will be carried out in line with the relevant legislative requirements.

Members were reminded that they were advised of this consultation at the 20 June 2019 training day.

It is recommended that Members note the content of the consultation document.

AGREED - that Members note the content of the consultation document.

8. LEGAL ISSUES

There were no legal issues.

9. ANY OTHER RELEVANT BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (O))

Members were concerned that when a site visit is requested, in some cases the proposer and seconder may not be able to attend and are therefore unable to take part in the determination of the application when presented to the Planning Committee, as set out in the Protocol for the Operation of the Planning Committee. Where did the Council stand if this was legally challenged.

The Council Solicitor clarified to Members that he was not aware of any cases that had arisen. In his view if the site visit was essential for determining the application and the Members' in question did not attend but were subsequently allowed to vote on the application, then the issue

would be that the Members in question did not have all the relevant information to make an informed decision.

A Member felt that Monday mornings for Site Visits were often difficult and that an alternative day should be considered.

In response to a Member's query in relation to Members who may have referred an application for a Site Visit and requires to leave the room during consideration the Council Solicitor read out Section 9.8 of the Councillors Code of Conduct.

A Member also raised concern that under the Protocol, Planning Committee Members speaking on an application were at a disadvantage to other speakers as they are required to leave the Chamber and do not get to listen to what the other speakers have said.

The Head of Planning agreed to look at the Protocol for Operation of the Planning Committee to include an amendment in relation to Members who speak in support or objection to an application and when they should leave the Chamber.

The Head of Planning suggested to Members that when a Member refers an application for a Site Visit that they are already familiar with but they consider the other Members should view that this should be included in the reason provided for the site visit.

The Chair reminded Members that they need to be mindful on how many applications that are deferred for a Site Visit.

Some Members felt that the number of Elected Members attending Site Visits had drastically reduced since Christmas.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **6:00pm**.

Chair